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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,574	06/14/2001	Akihiko Nagai	4110/1F080-US1	7320

7590 06/05/2002

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805 Third Avenue
New York, NY 10022

EXAMINER

SPITZER, ROBERT H

ART UNIT	PAPER NUMBER
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1724

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DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/881,574

Applicant(s)
Nagai

Examiner
Robert H. Spitzer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/303,980.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is indefinite because the recitation of "particle plastic substrate" in line 8 without any correlation to the "transmission film" or the "paste material" results in there being three possible materials present when there should only be one. That is, the plastic substrate, the transmission film and the paste material are all different phases of the same membrane. Claim 1 is further indefinite because the addition of the word "-like" to the term "chain" results in the inclusion of elements which are not known. Delete the word "-like". Claim 2 is indefinite because it depends from indefinite claim 1. Claim 3 is indefinite because, as in claim 1, it also includes the terms "transmission film", "paste material" and "particle plastic substrate". See claim 1 above.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the PTFE tubes of Glatz et al., which are made by mixing PTFE with a substance such as gasoline, which has had its aromatic and olefinic substances removed before its use to make the membrane.

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As gasoline is the third fraction obtained on distillation of crude oil and is chiefly parafins, e.g. hexane, once those aromatics and olefins have been removed what is left are parafins, mostly hexane. That treated gasoline meets the limitation of claims 1 and 2 of "linear chain-like parafin substances". Note also that the Figure of Glatz et al. shows that the contamination caused by the olefinic and aromatic substances is not present in line 2, which is the Glatz et al. invention.

5. The remaining references listed on the PTO-1449 show art of interest, all of which was previously cited in the parent case by both the Examiner and Applicant.

6. Claim 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

7. As allowable subject matter has been indicated, Applicant's response to this Office action should also include the following editorial changes: page 1, line 16, the status of the parent case should be updated, and line 22, "deaerated" should be "deaerate"; page 2, line 4, "7" should be canceled, line 5, "with" should be inserted after "mixed", line 6, "past" should be "paste" and "backed" should be "baked", and line 9, "the" should be inserted after "during"; page 3, line 18, "embodiment" should be inserted after "preferred"; page 4, line 12, "partible" should be "particle"; page 5, line 21, "there" should be canceled; claim 3, line 5, "through" should be inserted after "liquid"; and, page 8, line 1, "OF THE DISCLOSURE" should be inserted after "ABSTRACT".

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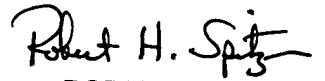
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (703) 308-3794. The examiner can normally be reached on Monday-Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Simmons, can be reached on (703) 308-1972. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 and for After Final communications the fax number is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Robert H. Spitzer

May 28, 2002


ROBERT H. SPITZER
PRIMARY EXAMINER
T.C. 1700
May 28, 2002